

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GABRIELA CARMONA and EDNA
SEPULVEDA
on behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

SPANISH BROADCASTING SYSTEM,
INC. and ALL STAR VACATION
MARKETING GROUP, INC.

Defendants.

Civil Action No. 08:4475 (LAK)/(GWG)

**DECLARATION OF FRANK FLORES IN SUPPORT OF SPANISH BROADCASTING
SYSTEM INC.'S MOTION TO DISMISS THE FIRST AMENDED COMPLAINT**

I, FRANK FLORES, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I submit this declaration in support of Spanish Broadcasting System, Inc.'s ("SBS") Motion to Dismiss the First Amended Complaint in this action. I have personal knowledge of the facts set forth below. I am over 18 years of age and can competently testify to the matters set forth herein.
2. I am the General Manager of WSKQ 97.9 FM ("WSKQ") in New York City, a radio station owned and operated by Defendant SBS. I have served in that capacity since December 2005. As the General Manager, I am responsible for all aspects of the station's business, including programming, content, advertising, marketing, revenue, and personnel. More specifically, I am responsible for the content of promotional material for paid advertisements read by WSKQ disc jockeys.
3. The audio file accompanying this declaration as Exhibit A is a true and accurate recording of the statement, as broadcast by disc jockey Polito Vega, played after each paid

advertisement or promotion for All Star Marketing Vacation, Inc. during the time period in which the plaintiffs allege they heard the promotional advertisements. A certified transcription in Spanish and translation into English of the statement is attached hereto as Exhibit B.

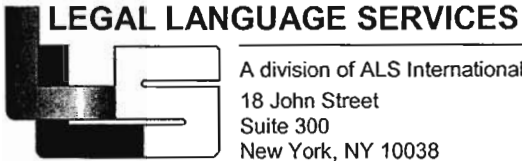
4. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on 7/2/08
New York, New York


Frank Flores

CD of Exhibit A to the Flores Declaration, audio file of disclaimer, is being physically filed in the Clerk's Office at the direction of the Court

EXHIBIT B TO FLORES DECLARATION



Telephone (212) 766-4111
Toll Free (800) 788-0450
Telefax (212) 349-0964
www.legallanguage.com

June 30, 2008

To whom it may concern:

This is to certify that the attached transcription of Spanish audio is an accurate representation from the media received by this office. This transcription is designated as:

MEGA 97.9 RADIO ANNOUNCEMENT (DISCLAIMER)

George Alves, the Manager of Translation Multimedia Services, certifies that Angela Zaragoza, who performed this transcription, is fluent in Spanish and is qualified to transcribe.

He attests to the following:

"To the best of my knowledge, the accompanying text is a true, full and accurate transcription of the specified document."

Signature of George Alves

Subscribed and sworn to before me this 30th day of June 2008.

Rosemary Diaz
Notary Public, State of New York
No. 01DI6077317
Certificate filed in New York County
Qualified in Kings County
Commission Expires July 8, 2010

Sincerely,


Victor J. Hertz
President & CEO

LEGAL LANGUAGE SERVICES

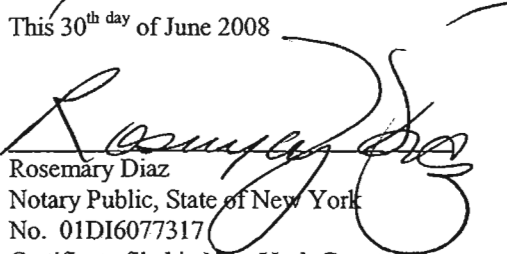
TRANSCRIPTION OF AUDIO

DESIGNATED AS: 805848

805848_01 Track 01


Subscribed and sworn to before me

This 30th day of June 2008


Rosemary Diaz

Notary Public, State of New York

No. 01DI6077317

Certificate filed in New York County

Qualified in Kings County


Commission Expires July 8, 2010

[Music Begins]

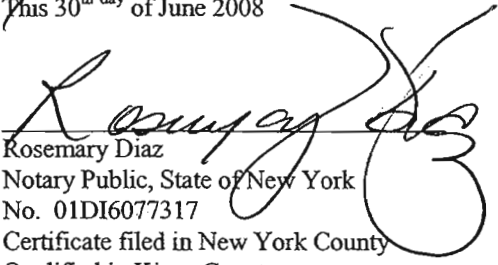
UM: ¡Hey, amigos míos! Y, el pasado fue un anuncio pagado. Esta es una promoción y oferta exclusiva del anunciante, y no es patrocinado por Mega 97.9. La Mega no se hace responsable por el cumplimiento del anunciante y la promoción. Todos los reclamos deben ser dirigido al anunciante y no a Mega 97.9. Se aplican cargos ¡administrativos! ¡Andando!

[Music Ends]

[End of Recording]


Subscribed and sworn to before me

This 30th day of June 2008


Rosemary Diaz

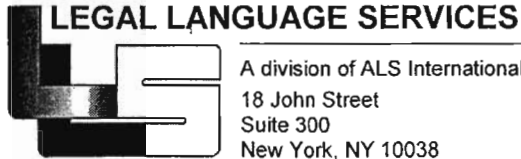
Notary Public, State of New York

No. 01DI6077317

Certificate filed in New York County

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Commission Expires July 8, 2010



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Toll Free (800) 788-0450
Telefax (212) 349-0964
www.legallanguage.com

June 30, 2008

To whom it may concern:

This is to certify that the attached translation from Spanish into English is an accurate representation of the document received by this office. This document is designated as:

TRANSCRIPTION OF MEGA 97.9 RADIO ANNOUNCEMENT (DISCLAIMER)
[1 page]

Allen Edwards, who translated this document, is certified by this company as fluent in Spanish and standard North American English and is qualified to translate.

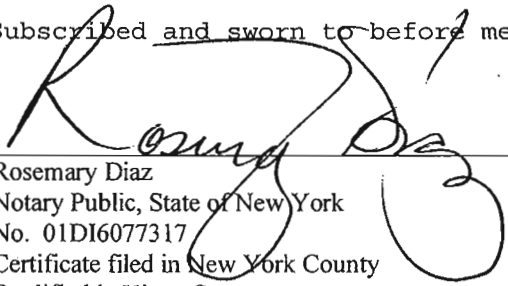
He attests to the following:

"To the best of my knowledge, the accompanying text is a true, full and accurate translation of the specified document."



Signature of Allen Edwards

Subscribed and sworn to before me this 30th day of June 2008.



Rosemary Diaz
Notary Public, State of New York
No. 01DI6077317
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Commission Expires July 8, 2010

Sincerely,

Victor J. Hertz
President & CEO

[Text in English]

UM: Hey, my friends! What you just heard was a paid advertisement. The promotion and offer are made by the advertiser alone, and are not sponsored by Mega 97.9. Mega accepts no responsibility for the advertiser's fulfillment of the promotion. Any claims should be addressed to the advertiser, not to Mega 97.9. Administrative charges will apply.

Moving right along!

[Text in English]



Signature of Allen Edwards

Subscribed and sworn to before me

This 30th day of June, 2008



Rosemary Diaz

Notary Public, State of New York

No. 01DI6077317

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